

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2007-0404-AIR-E **TCEQ ID:** RN100209857 **CASE NO.:** 32920
RESPONDENT NAME: Chevron Phillips Chemical Company LP

Page 1 of 2

| | | |
|---|---|--|
| ORDER TYPE: | | |
| <input type="checkbox"/> 1660 AGREED ORDER | <input checked="" type="checkbox"/> FINDINGS AGREED ORDER | <input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING |
| <input type="checkbox"/> FINDINGS DEFAULT ORDER | <input type="checkbox"/> SHUTDOWN ORDER | <input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER |
| <input type="checkbox"/> AMENDED ORDER | <input type="checkbox"/> EMERGENCY ORDER | |
| CASE TYPE: | | |
| <input checked="" type="checkbox"/> AIR | <input type="checkbox"/> MULTI-MEDIA (check all that apply) | <input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE |
| <input type="checkbox"/> PUBLIC WATER SUPPLY | <input type="checkbox"/> PETROLEUM STORAGE TANKS | <input type="checkbox"/> OCCUPATIONAL CERTIFICATION |
| <input type="checkbox"/> WATER QUALITY | <input type="checkbox"/> SEWAGE SLUDGE | <input type="checkbox"/> UNDERGROUND INJECTION CONTROL |
| <input type="checkbox"/> MUNICIPAL SOLID WASTE | <input type="checkbox"/> RADIOACTIVE WASTE | <input type="checkbox"/> DRY CLEANER REGISTRATION |
| <p>SITE WHERE VIOLATION(S) OCCURRED: Chevron Phillips Chemical Port Arthur Facility, 2001 Gulfway Road, Port Arthur, Jefferson County</p> <p>TYPE OF OPERATION: Chemical manufacturing</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on September 3, 2007. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Ms. Nadia Hameed, Enforcement Division, Enforcement Team 5, MC R-12, (713) 767-3629; Mr. David Van Soest, Enforcement Division, MC 219, (512) 239-0468 Respondent: Mr. M. D. Martin, Operations Manager, Chevron Phillips Chemical Company LP, 2001 Gulfway Road, Port Arthur, Texas 77640 Mr. Jim Becker, Manger, Chevron Phillips Chemical Company LP, 2001 Gulfway Road, Port Arthur, Texas 77640 Respondent's Attorney: Not represented by counsel on this enforcement matter</p> | | |

VIOLATION SUMMARY CHART:

| VIOLATION INFORMATION | PENALTY CONSIDERATIONS | CORRECTIVE ACTIONS TAKEN/REQUIRED |
|---|--|--|
| <p>Type of Investigation: <input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: September 20, 2006</p> <p>Date of NOV/NOE Relating to this Case: January 7, 2007 (NOE)</p> <p>Background Facts: This was a routine investigation. Three violations were documented.</p> <p>AIR</p> <p>1) Failed to timely report an emission event occurring on May 19, 2006 within twenty-four hours of discovery [30 TEX. ADMIN. CODE § 101.201(a)(1)(B), and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>2) Failed to maintain an emission rate below the allowable emission limits [30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and 116.115(c), New Source Review Permit No. 21101, Special Condition 8, and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>3) Failed to identify the correct agency established EPN and the correct authorized emissions limits for Flare 24 (EPN: E-24-Flare) on the final report [30 TEX. ADMIN. CODE §§ 101.201(b)(1)(D) and 101.201(b)(1)(H), and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> | <p>Total Assessed: \$7,128</p> <p>Total Deferred: \$0 <input type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$7,128</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p> <p>Findings Orders Justification: Absence of management practices designed to ensure compliance.</p> | <p>Ordering Provisions:</p> <p>The Order will require the Respondent to:</p> <p>a. Within 30 days after the effective date of this Agreed Order, implement improvements to operational procedures in order to address the late reporting and incorrect reporting for emissions events that occurred on April 22-23, 2006, and May 19, 2006, to prevent the recurrence of same or similar incidents;</p> <p>b. Within 30 days after the effective date of this Agreed Order, implement improvements to design, operation, or maintenance procedures in order to address the emissions events that occurred on April 22-23, 2006, and May 19, 2006, to prevent the recurrence of same or similar incidents; and</p> <p>c. Within 45 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provisions a. and b.</p> |



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision January 9, 2007

TCEQ

DATES

Assigned

22-Jan-2007

PCW

19-Mar-2007

Screening

12-Mar-2007

EPA Due

22-Nov-2007

RESPONDENT/FACILITY INFORMATION

Respondent Chevron Phillips Chemical Company LP

Reg. Ent. Ref. No. RN100209857

Facility/Site Region 10-Beaumont

Major/Minor Source Major

CASE INFORMATION

Enf./Case ID No. 32920

Docket No. 2007-0404-AIR-E

Media Program(s) Air Quality

Multi-Media

Admin. Penalty \$ **Limit Minimum** \$0 **Maximum** \$10,000

No. of Violations 3

Order Type Findings

Enf. Coordinator Nadia Hameed

EC's Team EnforcementTeam 5

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)

Subtotal 1 \$2,700

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History

164% Enhancement

Subtotals 2, 3, & 7 \$4,428

Notes

Compliance History was enhanced by three same or similar NOV's, one non-similar NOV, five 1660-style Orders, two Findings Orders, and reduced by three Notices of Intent to conduct an audit.

Culpability

No

0% Enhancement

Subtotal 4 \$0

Notes

The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply

0% Reduction

Subtotal 5 \$0

Before NOV

NOV to EDPRP/Settlement Offer

Extraordinary

Ordinary

N/A

X

(mark with x)

Notes

The Respondent does not meet the good faith criteria.

Total EB Amounts

\$284

Approx. Cost of Compliance

\$4,000

0% Enhancement*

*Capped at the Total EB \$ Amount

Subtotal 6 \$0

SUM OF SUBTOTALS 1-7

Final Subtotal \$7,128

OTHER FACTORS AS JUSTICE MAY REQUIRE

Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Adjustment \$0

Notes

Final Penalty Amount \$7,128

STATUTORY LIMIT ADJUSTMENT

Final Assessed Penalty \$7,128

DEFERRAL

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

0% Reduction

Adjustment \$0

Notes

No deferral is recommended for Findings Orders.

PAYABLE PENALTY

\$7,128

Screening Date 12-Mar-2007

Docket No. 2007-0404-AIR-E

PCW

Respondent Chevron Phillips Chemical Company LP

Policy Revision 2 (September 2002)

Case ID No. 32920

PCW Revision January 9, 2007

Reg. Ent. Reference No. RN100209857

Media [Statute] Air Quality

Enf. Coordinator Nadia Hameed

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

| Component | Number of... | Enter Number Here | Adjust. |
|-------------------------------|--|-------------------|---------|
| NOVs | Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria) | 3 | 15% |
| | Other written NOVs | 1 | 2% |
| Orders | Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria) | 5 | 100% |
| | Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission | 2 | 50% |
| Judgments and Consent Decrees | Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria) | 0 | 0% |
| | Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government | 0 | 0% |
| Convictions | Any criminal convictions of this state or the federal government (number of counts) | 0 | 0% |
| Emissions | Chronic excessive emissions events (number of events) | 0 | 0% |
| Audits | Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted) | 3 | -3% |
| | Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed) | 0 | 0% |
| Please Enter Yes or No | | | |
| Other | Environmental management systems in place for one year or more | No | 0% |
| | Voluntary on-site compliance assessments conducted by the executive director under a special assistance program | No | 0% |
| | Participation in a voluntary pollution reduction program | No | 0% |
| | Early compliance with, or offer of a product that meets future state or federal government environmental requirements | No | 0% |

Adjustment Percentage (Subtotal 2) 164%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Compliance History was enhanced by three same or similar NOVs, one non-similar NOV, five 1660-style Orders, two Findings Orders, and reduced by three Notices of Intent to conduct an audit.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 164%

Screening Date 12-Mar-2007

Docket No. 2007-0404-AIR-E

PCW

Respondent Chevron Phillips Chemical Company LP

Policy Revision 2 (September 2002)

Case ID No. 32920

PCW Revision January 9, 2007

Reg. Ent. Reference No. RN100209857

Media [Statute] Air Quality

Enf. Coordinator Nadia Hameed

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code § 101.201(a)(1)(B), and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to timely report an emission event occurring on May 19, 2006 within 24 hours of discovery, as documented in an investigation conducted on September 20, 2006. Specifically, the report was to be submitted on or before May 20, 2006. The report was submitted on May 23, 2006.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

| Release | Harm | | |
|-----------|-------|----------|-------|
| | Major | Moderate | Minor |
| Actual | | | |
| Potential | | | |

Percent 0%

>> Programmatic Matrix

| Falsification | Major | Moderate | Minor |
|---------------|-------|----------|-------|
| | | | x |

Percent 1%

Matrix Notes

Less than 30% of the rule requirement was not met.

Adjustment \$9,900

\$100

Violation Events

Number of Violation Events 1

3

Number of violation days

| | | |
|----------------------------|--------------|---|
| mark only one with an x | daily | |
| | monthly | |
| | quarterly | |
| | semiannual | |
| | annual | |
| | single event | x |

Violation Base Penalty \$100

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$73

Violation Final Penalty Total \$264

This violation Final Assessed Penalty (adjusted for limits) \$264

Economic Benefit Worksheet

Respondent Chevron Phillips Chemical Company LP
Case ID No. 32920
Reg. Ent. Reference No. RN100209857
Media Air Quality
Violation No. 1

| Percent Interest | Years of Depreciation |
|------------------|-----------------------|
| 5.0 | 15 |

| Item Description | Item Cost | Date Required | Final Date | Yrs | Interest Saved | Onetime Costs | EB Amount |
|------------------|-----------|---------------|------------|-----|----------------|---------------|-----------|
| No commas or \$ | | | | | | | |

Delayed Costs

| | | | | | | | |
|--------------------------|---------|-------------|------------|-----|------|-----|------|
| Equipment | | | | 0.0 | \$0 | \$0 | \$0 |
| Buildings | | | | 0.0 | \$0 | \$0 | \$0 |
| Other (as needed) | | | | 0.0 | \$0 | \$0 | \$0 |
| Engineering/construction | | | | 0.0 | \$0 | \$0 | \$0 |
| Land | | | | 0.0 | \$0 | n/a | \$0 |
| Record Keeping System | | | | 0.0 | \$0 | n/a | \$0 |
| Training/Sampling | \$1,000 | 20-Mar-2006 | 1-Sep-2007 | 1.5 | \$73 | n/a | \$73 |
| Remediation/Disposal | | | | 0.0 | \$0 | n/a | \$0 |
| Permit Costs | | | | 0.0 | \$0 | n/a | \$0 |
| Other (as needed) | | | | 0.0 | \$0 | n/a | \$0 |

Notes for DELAYED costs

Estimated cost is for implementing training procedures to address the causes that led to the late reporting. The Date Required is the date the report was due, and the Final Date is the date the respondent is expected to have completed corrective actions.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

| | | | | | | | |
|-------------------------------|--|--|--|-----|-----|-----|-----|
| Disposal | | | | 0.0 | \$0 | \$0 | \$0 |
| Personnel | | | | 0.0 | \$0 | \$0 | \$0 |
| Inspection/Reporting/Sampling | | | | 0.0 | \$0 | \$0 | \$0 |
| Supplies/equipment | | | | 0.0 | \$0 | \$0 | \$0 |
| Financial Assurance [2] | | | | 0.0 | \$0 | \$0 | \$0 |
| ONE-TIME avoided costs [3] | | | | 0.0 | \$0 | \$0 | \$0 |
| Other (as needed) | | | | 0.0 | \$0 | \$0 | \$0 |

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,000

TOTAL

\$73

Screening Date 12-Mar-2007

Docket No. 2007-0404-AIR-E

PCW

Respondent Chevron Phillips Chemical Company LP

Policy Revision 2 (September 2002)

Case ID No. 32920

PCW Revision January 9, 2007

Reg. Ent. Reference No. RN100209857

Media [Statute] Air Quality

Enf. Coordinator Nadia Hameed

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(b)(2)(F) and 116.115(c), NSR Permit No. 21101, Special Condition 8, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to maintain an emission rate below the allowable emission limits. Specifically, on May 19, 2006, over a period of 38 minutes, Flare 24 (EPN: E-24-Flare) emitted unauthorized emissions of approximately 83.62 pounds ("lbs") of carbon monoxide, 365.17 lbs of ethylene, 9.71 lbs of nitrogen oxides, and 173.35 lbs of propylene. The permit limits are 1.28 pounds per hour ("lbs/hr") for carbon monoxide, 0.30 lbs/hr for nitrogen oxides, and 1.08 lbs/hr for volatile organic compounds. Since these emissions could have been foreseen and avoided by good design, operation and maintenance practices, the emissions do not meet the affirmative defense criteria specified in 30 Tex. Admin. Code § 101.222, as documented in an investigation conducted on September 20, 2006.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

| Release | Harm | | |
|-----------|-------|----------|-------|
| | Major | Moderate | Minor |
| Actual | | | x |
| Potential | | | |

Percent 25%

>> Programmatic Matrix

| Falsification | Major | Moderate | Minor |
|---------------|-------|----------|-------|
| | | | |

Percent 0%

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants which did not exceed levels that are protective of human health or environmental receptors.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 1

1 Number of violation days

| | | |
|----------------------------|--------------|---|
| mark only one with an x | daily | |
| | monthly | |
| | quarterly | |
| | semiannual | |
| | annual | |
| | single event | x |

Violation Base Penalty \$2,500

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$145

Violation Final Penalty Total \$6,600

This violation Final Assessed Penalty (adjusted for limits) \$6,600

Economic Benefit Worksheet

Respondent Chevron Phillips Chemical Company LP
Case ID No. 32920
Reg. Ent. Reference No. RN100209857
Media Air Quality
Violation No. 2

| Percent Interest | Years of Depreciation |
|------------------|-----------------------|
| 5.0 | 15 |

| Item Description | Item Cost | Date Required | Final Date | Yrs | Interest Saved | Onetime Costs | EB Amount |
|--------------------------------|-----------|---------------|------------|-----|----------------|---------------|-----------|
| <small>No commas or \$</small> | | | | | | | |

Delayed Costs

| | | | | | | | |
|--------------------------|---------|-------------|------------|-----|-------|-----|-------|
| Equipment | | | | 0.0 | \$0 | \$0 | \$0 |
| Buildings | | | | 0.0 | \$0 | \$0 | \$0 |
| Other (as needed) | | | | 0.0 | \$0 | \$0 | \$0 |
| Engineering/construction | | | | 0.0 | \$0 | \$0 | \$0 |
| Land | | | | 0.0 | \$0 | n/a | \$0 |
| Record Keeping System | | | | 0.0 | \$0 | n/a | \$0 |
| Training/Sampling | \$2,000 | 19-Mar-2006 | 1-Sep-2007 | 1.5 | \$145 | n/a | \$145 |
| Remediation/Disposal | | | | 0.0 | \$0 | n/a | \$0 |
| Permit Costs | | | | 0.0 | \$0 | n/a | \$0 |
| Other (as needed) | | | | 0.0 | \$0 | n/a | \$0 |

Notes for DELAYED costs

Estimated cost is for implementing training procedures to address the causes that led to the emission event. The Date Required is the date of the emission event, and the Final Date is the date the respondent is expected to have completed corrective actions.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

| | | | | | | | |
|-------------------------------|--|--|--|-----|-----|-----|-----|
| Disposal | | | | 0.0 | \$0 | \$0 | \$0 |
| Personnel | | | | 0.0 | \$0 | \$0 | \$0 |
| Inspection/Reporting/Sampling | | | | 0.0 | \$0 | \$0 | \$0 |
| Supplies/equipment | | | | 0.0 | \$0 | \$0 | \$0 |
| Financial Assurance [2] | | | | 0.0 | \$0 | \$0 | \$0 |
| ONE-TIME avoided costs [3] | | | | 0.0 | \$0 | \$0 | \$0 |
| Other (as needed) | | | | 0.0 | \$0 | \$0 | \$0 |

Notes for AVOIDED costs

| | | | |
|----------------------------|---------|-------|-------|
| Approx. Cost of Compliance | \$2,000 | TOTAL | \$145 |
|----------------------------|---------|-------|-------|

Screening Date 12-Mar-2007

Docket No. 2007-0404-AIR-E

PCW

Respondent Chevron Phillips Chemical Company LP

Policy Revision 2 (September 2002)

Case ID No. 32920

PCW Revision January 9, 2007

Reg. Ent. Reference No. RN100209857

Media [Statute] Air Quality

Enf. Coordinator Nadia Hameed

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code §§ 101.201(b)(1)(D) and 101.201(b)(1)(H), and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to identify the correct agency established EPN and the correct authorized emissions limits for Flare 24 (EPN: E-24-Flare) on the final report. Specifically, on the final report submitted for an emissions event occurring April 22-23, 2006, the EPN was identified as F-24-Flare instead of E-24-Flare and listed emissions limits of 2.66 lbs/hr for carbon monoxide, 0.49 lbs/hr for nitrogen oxides, and 5.40 lbs/hr for volatile organic compounds. The correct emission limits for E-24-Flare are 1.28 lbs/hr for carbon monoxide, 0.30 lbs/hr for nitrogen oxides, and 1.08 lbs/hr for volatile organic compounds as documented in an investigation conducted on September 20, 2006.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

| Release | Harm | | |
|-----------|-------|----------|-------|
| | Major | Moderate | Minor |
| Actual | | | |
| Potential | | | |

Percent 0%

>> Programmatic Matrix

| Falsification | Major | Moderate | Minor |
|---------------|-------|----------|-------|
| | | | x |

Percent 1%

Matrix Notes

Less than 30% of the rule requirement was not met.

Adjustment \$9,900

\$100

Violation Events

Number of Violation Events 1

1 Number of violation days

| | | |
|----------------------------|--------------|---|
| mark only one with an x | daily | |
| | monthly | |
| | quarterly | |
| | semiannual | |
| | annual | |
| | single event | x |

Violation Base Penalty \$100

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$66

Violation Final Penalty Total \$264

This violation Final Assessed Penalty (adjusted for limits) \$264

Economic Benefit Worksheet

Respondent Chevron Phillips Chemical Company LP
Case ID No. 32920
Reg. Ent. Reference No. RN100209857
Media Air Quality
Violation No. 3

| Percent Interest | Years of Depreciation |
|------------------|-----------------------|
| 5.0 | 15 |

| Item Description | Item Cost | Date Required | Final Date | Yrs | Interest Saved | Onetime Costs | EB Amount |
|------------------|-----------|---------------|------------|-----|----------------|---------------|-----------|
| No. commas or \$ | | | | | | | |

Delayed Costs

| | | | | | | | |
|--------------------------|---------|------------|------------|-----|------|-----|------|
| Equipment | | | | 0.0 | \$0 | \$0 | \$0 |
| Buildings | | | | 0.0 | \$0 | \$0 | \$0 |
| Other (as needed) | | | | 0.0 | \$0 | \$0 | \$0 |
| Engineering/construction | | | | 0.0 | \$0 | \$0 | \$0 |
| Land | | | | 0.0 | \$0 | n/a | \$0 |
| Record Keeping System | | | | 0.0 | \$0 | n/a | \$0 |
| Training/Sampling | \$1,000 | 5-May-2006 | 1-Sep-2007 | 1.3 | \$66 | n/a | \$66 |
| Remediation/Disposal | | | | 0.0 | \$0 | n/a | \$0 |
| Permit Costs | | | | 0.0 | \$0 | n/a | \$0 |
| Other (as needed) | | | | 0.0 | \$0 | n/a | \$0 |

Notes for DELAYED costs

Estimated cost is for implementing training procedures to address the causes that led to the incorrect reporting. The Date Required is the date of the final report, and the Final Date is the date the respondent is expected to have completed corrective actions.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

| | | | | | | | |
|-------------------------------|--|--|--|-----|-----|-----|-----|
| Disposal | | | | 0.0 | \$0 | \$0 | \$0 |
| Personnel | | | | 0.0 | \$0 | \$0 | \$0 |
| Inspection/Reporting/Sampling | | | | 0.0 | \$0 | \$0 | \$0 |
| Supplies/equipment | | | | 0.0 | \$0 | \$0 | \$0 |
| Financial Assurance [2] | | | | 0.0 | \$0 | \$0 | \$0 |
| ONE-TIME avoided costs [3] | | | | 0.0 | \$0 | \$0 | \$0 |
| Other (as needed) | | | | 0.0 | \$0 | \$0 | \$0 |

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,000

TOTAL

\$66

Compliance History

| | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|---|---|-------------------------|---|-----------------------|----------------|---------|-----------------------|--------|------|------------------------|----------------|---------|------------------------|--------|-------|------------------------|--------|-------|------------------------|--------|-------|------------------------|--------|-------|------------------------|--------|-------|------------------------|--------------|-------|------------------------|--------------|-------|------------------------|--------------|-------|------------------------|---------|------------|------------------------|--------------|-------|------------------------|--------------|-------|------------------------|--------------|-------|------------------------|--------------|-------|------------------------|--------------|-------|------------------------|--------------|-------|------------------------|--------------|-------|------------------------|--------------|-------|------------------------|--------------|-------|------------------------|--------------|-------|------------------------|--------------|-------|------------------------|--------------|-------|------------------------|--------------|-------|------------------------|--------------|-------|------------------------|--------------|-------|------------------------|--------------|-------|---|--------|--------------|---|----------------------------------|-------|-----------------------|----------------------------------|-------|
| Customer/Respondent/Owner-Operator: | CN600303614 Chevron Phillips Chemical Company LP | Classification: AVERAGE | Rating: 3.74 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Regulated Entity: | RN100209857 CHEVRON PHILLIPS CHEMICAL PORT ARTHUR FACILITY | Classification: AVERAGE | Site Rating: 24.40 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| ID Number(s): | <table border="0" style="width: 100%;"> <tr> <td style="width: 50%;">AIR OPERATING PERMITS</td> <td style="width: 30%;">ACCOUNT NUMBER</td> <td style="width: 20%;">JE0508W</td> </tr> <tr> <td>AIR OPERATING PERMITS</td> <td>PERMIT</td> <td>1235</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>ACCOUNT NUMBER</td> <td>JE0508W</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>PERMIT</td> <td>5215A</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>PERMIT</td> <td>18568</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>PERMIT</td> <td>21101</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>PERMIT</td> <td>24266</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>PERMIT</td> <td>32713</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>REGISTRATION</td> <td>76323</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>REGISTRATION</td> <td>76324</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>REGISTRATION</td> <td>76321</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>AFS NUM</td> <td>4824500162</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>REGISTRATION</td> <td>73945</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>REGISTRATION</td> <td>77954</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>REGISTRATION</td> <td>78021</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>REGISTRATION</td> <td>78071</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>REGISTRATION</td> <td>78143</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>REGISTRATION</td> <td>78162</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>REGISTRATION</td> <td>79030</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>REGISTRATION</td> <td>79446</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>REGISTRATION</td> <td>79568</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>REGISTRATION</td> <td>80392</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>REGISTRATION</td> <td>80459</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>REGISTRATION</td> <td>80781</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>REGISTRATION</td> <td>80886</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>REGISTRATION</td> <td>80939</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>REGISTRATION</td> <td>81205</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>REGISTRATION</td> <td>81329</td> </tr> <tr> <td>INDUSTRIAL AND HAZARDOUS WASTE GENERATION</td> <td>EPA ID</td> <td>TXR000004390</td> </tr> <tr> <td>INDUSTRIAL AND HAZARDOUS WASTE GENERATION</td> <td>SOLID WASTE REGISTRATION # (SWR)</td> <td>83963</td> </tr> <tr> <td>IHW CORRECTIVE ACTION</td> <td>SOLID WASTE REGISTRATION # (SWR)</td> <td>83963</td> </tr> </table> | | | AIR OPERATING PERMITS | ACCOUNT NUMBER | JE0508W | AIR OPERATING PERMITS | PERMIT | 1235 | AIR NEW SOURCE PERMITS | ACCOUNT NUMBER | JE0508W | AIR NEW SOURCE PERMITS | PERMIT | 5215A | AIR NEW SOURCE PERMITS | PERMIT | 18568 | AIR NEW SOURCE PERMITS | PERMIT | 21101 | AIR NEW SOURCE PERMITS | PERMIT | 24266 | AIR NEW SOURCE PERMITS | PERMIT | 32713 | AIR NEW SOURCE PERMITS | REGISTRATION | 76323 | AIR NEW SOURCE PERMITS | REGISTRATION | 76324 | AIR NEW SOURCE PERMITS | REGISTRATION | 76321 | AIR NEW SOURCE PERMITS | AFS NUM | 4824500162 | AIR NEW SOURCE PERMITS | REGISTRATION | 73945 | AIR NEW SOURCE PERMITS | REGISTRATION | 77954 | AIR NEW SOURCE PERMITS | REGISTRATION | 78021 | AIR NEW SOURCE PERMITS | REGISTRATION | 78071 | AIR NEW SOURCE PERMITS | REGISTRATION | 78143 | AIR NEW SOURCE PERMITS | REGISTRATION | 78162 | AIR NEW SOURCE PERMITS | REGISTRATION | 79030 | AIR NEW SOURCE PERMITS | REGISTRATION | 79446 | AIR NEW SOURCE PERMITS | REGISTRATION | 79568 | AIR NEW SOURCE PERMITS | REGISTRATION | 80392 | AIR NEW SOURCE PERMITS | REGISTRATION | 80459 | AIR NEW SOURCE PERMITS | REGISTRATION | 80781 | AIR NEW SOURCE PERMITS | REGISTRATION | 80886 | AIR NEW SOURCE PERMITS | REGISTRATION | 80939 | AIR NEW SOURCE PERMITS | REGISTRATION | 81205 | AIR NEW SOURCE PERMITS | REGISTRATION | 81329 | INDUSTRIAL AND HAZARDOUS WASTE GENERATION | EPA ID | TXR000004390 | INDUSTRIAL AND HAZARDOUS WASTE GENERATION | SOLID WASTE REGISTRATION # (SWR) | 83963 | IHW CORRECTIVE ACTION | SOLID WASTE REGISTRATION # (SWR) | 83963 |
| AIR OPERATING PERMITS | ACCOUNT NUMBER | JE0508W | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| AIR OPERATING PERMITS | PERMIT | 1235 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| AIR NEW SOURCE PERMITS | ACCOUNT NUMBER | JE0508W | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| AIR NEW SOURCE PERMITS | PERMIT | 5215A | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| AIR NEW SOURCE PERMITS | PERMIT | 18568 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| AIR NEW SOURCE PERMITS | PERMIT | 21101 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| AIR NEW SOURCE PERMITS | PERMIT | 24266 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| AIR NEW SOURCE PERMITS | PERMIT | 32713 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| AIR NEW SOURCE PERMITS | REGISTRATION | 76323 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| AIR NEW SOURCE PERMITS | REGISTRATION | 76324 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| AIR NEW SOURCE PERMITS | REGISTRATION | 76321 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| AIR NEW SOURCE PERMITS | AFS NUM | 4824500162 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| AIR NEW SOURCE PERMITS | REGISTRATION | 73945 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| AIR NEW SOURCE PERMITS | REGISTRATION | 77954 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| AIR NEW SOURCE PERMITS | REGISTRATION | 78021 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| AIR NEW SOURCE PERMITS | REGISTRATION | 78071 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| AIR NEW SOURCE PERMITS | REGISTRATION | 78143 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| AIR NEW SOURCE PERMITS | REGISTRATION | 78162 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| AIR NEW SOURCE PERMITS | REGISTRATION | 79030 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| AIR NEW SOURCE PERMITS | REGISTRATION | 79446 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| AIR NEW SOURCE PERMITS | REGISTRATION | 79568 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| AIR NEW SOURCE PERMITS | REGISTRATION | 80392 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| AIR NEW SOURCE PERMITS | REGISTRATION | 80459 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| AIR NEW SOURCE PERMITS | REGISTRATION | 80781 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| AIR NEW SOURCE PERMITS | REGISTRATION | 80886 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| AIR NEW SOURCE PERMITS | REGISTRATION | 80939 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| AIR NEW SOURCE PERMITS | REGISTRATION | 81205 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| AIR NEW SOURCE PERMITS | REGISTRATION | 81329 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| INDUSTRIAL AND HAZARDOUS WASTE GENERATION | EPA ID | TXR000004390 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| INDUSTRIAL AND HAZARDOUS WASTE GENERATION | SOLID WASTE REGISTRATION # (SWR) | 83963 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| IHW CORRECTIVE ACTION | SOLID WASTE REGISTRATION # (SWR) | 83963 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Location: | 2001 GULFWAY DR, PORT ARTHUR, TX, 77640 | | Rating Date: 9/1/2006 Repeat Violator: NO | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| TCEQ Region: | REGION 10 - BEAUMONT | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Date Compliance History Prepared: | March 19, 2007 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Agency Decision Requiring Compliance History: | Enforcement | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Compliance Period: | February 14, 2002 to February 14, 2007 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Jason Kemp Phone: (512) 239-5610

Site Compliance History Components

- | | |
|--|-----|
| 1. Has the site been in existence and/or operation for the full five year compliance period? | Yes |
| 2. Has there been a (known) change in ownership of the site during the compliance period? | No |
| 3. If Yes, who is the current owner? | N/A |
| 4. If Yes, who was/were the prior owner(s)? | N/A |
| 5. When did the change(s) in ownership occur? | N/A |

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.
- Effective Date: 06/03/2002 ADMINORDER 2001-1526-AIR-E
- Classification: Moderate
- Citation: 5C THC Chapter 382, SubChapter A 382.085(a)
- Description: Failure to prevent unauthorized emissions during an upset that occurred on October 10, 2001

at the Cumene Complex.

Effective Date: 12/21/2003

ADMINORDER 2002-0786-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC 5 PERMIT

Description: Failure to operate Flare 17 with a pilot flame at all times.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC 14 PERMIT

Description: Failure to operate Flare 24 with a pilot flame at all times.

Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)[G]
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC 5 PERMIT

Description: Failure to operate Flare 17 w/out visible emissions.

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)(D)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to monitor pressure relief valves on a quarterly basis.

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.130
30 TAC Chapter 115, SubChapter D 115.354(2)(C)
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H.63.168(d)(1)(II)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC 4C PERMIT

Description: Failure to monitor valves on a quarterly basis.

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.130
30 TAC Chapter 115, SubChapter D 115.356(1)(B)
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.181(b)(3)(I)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC 4C PERMIT

Description: Failure to keep a master component list that included all pressure relief valves.

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.130
30 TAC Chapter 115, SubChapter D 115.352(2)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC 4C PERMIT

Description: Failure to repair a leak w/in 15 days and/or during the first shutdown after a leak was detected.

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.130
30 TAC Chapter 115, SubChapter D 115.354(1)(C)
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(h)(2)[G]
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC 4C PERMIT

Description: Failure to monitor difficult to monitor valves on an annual basis.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)(II)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)(V)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 117, SubChapter B 117.219(f)(8)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC 5 PERMIT

Description: Failure to maintain records.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC 8 PERMIT

Description: Failure to conduct H2S fuel gas sampling on a monthly basis.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 115, SubChapter D 115.354(2)(C)
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(c)[G]
40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-7(c)[G]
40 CFR Part 61, Subpart J 61.112(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC 1A, 2A, 2B, and 17F PERMIT

Description: Failure to monitor valves on a quarterly basis.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 115, SubChapter D 115.352(2)
30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(d)(1)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT V 61.242-7(d)[G]
40 CFR Part 61, Subpart J 61.112(a)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 17H PERMIT

SC 1A, 2A, 2B PERMIT

Description: Failure to repair valves w/in 15 days after a leak was detected.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: MAERT PERMIT

Description: Failure to comply with the emission limits set in the MAERT for permit 21101.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC 6 PERMIT

Description: Failure to comply with the 1 hr maximum firing rates as required in permit 21101.

Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(A)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC 5 PERMIT

Description: Failure to operate Flare 17 w/out visible emissions.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.6(b)(5)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to identify on the nonreportable upset report the individually listed compounds involved in the upset which occurred on 4/25/02.

Effective Date: 11/24/2005

ADMINORDER 2003-0646-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(ii)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)[G]
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 21101, Special Condition 14 PERMIT

Description: Failed to prevent visible emissions and maintain emission rates below the allowable emission limits for CO, NOx and VOCs at Ethylene Unit 1544.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(C)
30 TAC Chapter 101, SubChapter F 101.201(a)(2)(H)
30 TAC Chapter 101, SubChapter F 101.201(b)(3)
30 TAC Chapter 101, SubChapter F 101.201(b)(8)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to properly notify the regional office of a reportable emission event at the Cumene Feed Prep Unit 1740 on September 20, 2002 from 9:00 am to 9:35 am.

Classification: Moderate

Citation: 5C THC Chapter 382, SubChapter A 382.085(a)
 Description: Failure to prevent unauthorized emissions released at the Cumene Feed Prep Unit 1740 on September 20, 2002 and at the 11 Pump House on January 20, 2003.
 Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Rqmt Prov: 32713, Special Condition 15 PERMIT
 Description: Failure to submit annual summaries for criteria pollutants for CYs 2001 and 2002.
 Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18[G]
 5C THC Chapter 382, SubChapter A 382.085(b)
 Rqmt Prov: 5215A, Special Condition 5 PERMIT
 Description: Failure to operate the Cumene Unit process flare.
 Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(H)
 30 TAC Chapter 101, SubChapter F 101.201(b)(8)
 30 TAC Chapter 101, SubChapter F 101.201(b)(9)
 30 TAC Chapter 101, SubChapter F 101.211(b)(10)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Rqmt Prov: Permit 21101, Special Condition 14 PERMIT
 Description: Failure to properly notify the TCEQ regional office of unauthorized emissions at the Ethylene Unit.
 Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Rqmt Prov: Permit 5215A, Special Condition 1 PERMIT
 Description: Failure to maintain emission rates below the allowable emissions limits at the Cumene Unit - #17 Flare on October 29, 2002, October 31, 2002 and March 2, 2003.
 Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(ii)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Rqmt Prov: Permit 5215A, Special Condition 1 PERMIT
 Description: Failure to prevent unauthorized emissions at the Cumene Unit - #3 Flare on January 22, 2003.
 Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Rqmt Prov: 18568 PERMIT
 Description: Failure to report the VOC concentration from the exhaust of the 2001 air stripping testing system and/or the corresponding pounds of strippable VOC per gallon of cooling water for tower 169.
 Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Rqmt Prov: 18568 PERMIT
 18568, Special Condition 17B PERMIT
 Description: Failed to comply with permitted VOC emission limits and repair/maintain equipment associated with cooling tower 169.
 Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.355(a)(1)(i)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Description: Failure to determine the annual benzene waste generated at Cooling Towers 169 and 294.
 Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Rqmt Prov: 21101, Special Condition 1 PERMIT
 Description: Failed to prevent authorized emissions on August 18, 2003 at the #24 Flare.
 Effective Date: 02/05/2006 ADMINORDER: 2004-1533-AIR-E
 Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.7(a)(3)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT NNN 60.662[G]
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT NNN 60.665(a)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT NNN 60.665(l)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT QQQ 60.702
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT RRR 60.705(a)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT RRR 60.705(l)
 5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Special condition 1B and 1C PERMIT
 Special Condition 2A and 2C PERMIT

Description: Failed to provide notification of start up, notification of specific provision applicability, or initial and periodic reports.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT NNN 60.665(b)[G]
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT NNN 60.665(c)[G]
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT NNN 60.665(d)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT NNN 60.665(e)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT NNN 60.665(f)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT NNN 60.665(g)[G]
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT NNN 60.665(h)[G]
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT NNN 60.665(j)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT RRR 60.705(b)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT RRR 60.705(c)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT RRR 60.705(d)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT RRR 60.705(e)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT RRR 60.705(f)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT RRR 60.705(g)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT RRR 60.705(h)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT RRR 60.705(i)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT RRR 60.705(j)
 5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Special Condition 1B and 1C PERMIT
 Special Condition 2A and 2C PERMIT

Description: Failed to keep up-to-date, readily accessible records.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(b)
 5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 5215A, Special Condition 5 PA

Description: Failure to operate a flare with a pilot flame lit at all times.

Classification: Minor

Citation: 5C THC Chapter 382, SubChapter A 382.085(a)

Description: Allowed unauthorized emissions.

Classification: Minor

Citation: 30 TAC Chapter 106, SubChapter T 106.454(3)(B)(i)
 30 TAC Chapter 115, SubChapter E 115.412(1)(A)
 5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to satisfy a Permit by Rule condition.

Classification: Major

Citation: 30 TAC Chapter 106, SubChapter A 106.8[G]
 5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to maintain, and make readily available for review, required records.

Classification: Major

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)[G]
 5C THC Chapter 382, SubChapter A 382.0518(a)
 5C THC Chapter 382, SubChapter A 382.085(a)

Description: Failed to obtain authorization for air emissions.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)
 30 TAC Chapter 101, SubChapter F 101.201(b)(2)
 30 TAC Chapter 101, SubChapter F 101.201(b)(3)
 30 TAC Chapter 101, SubChapter F 101.201(b)(8)
 30 TAC Chapter 101, SubChapter F 101.211(b)(1)

30 TAC Chapter 101, SubChapter F 101.211(b)(2)
30 TAC Chapter 101, SubChapter F 101.211(b)(3)
30 TAC Chapter 101, SubChapter F 101.211(b)(9)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to provide complete records of 72 non-reportable events and 40 maintenance activities that occurred from March 13, 2003 to August 31, 2004.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Maximum Allowable Emission Rate Table PERMIT

Description: Failed to limit emissions from Flare 24 (EPN F-24-flare) to those authorized by the permit.

Effective Date: 02/20/2006 ADMINORDER 2005-0406-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter A 106.6(b)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: PI-8 PERMIT

Description: Failed to limit emissions from Flare-17 (EPN F-17-Flare) in Cyclohexane Unit 1741 to those authorized by a Permit by Rule.

Effective Date: 04/29/2006 ADMINORDER 2005-1808-AIR-E

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to submit a timely emission event report.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 21101, General Condition 8 PERMIT

Description: Failed to comply with permitted emissions limits.

Effective Date: 07/14/2006 ADMINORDER 2006-0023-AIR-E

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to submit notification of an emissions event within 24 hrs. of discovery (Inc. No. 65155).

Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter A 106.4[G]
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 21101 PERMIT

Description: Failed to prevent the unauthorized release of air contaminants into the atmosphere

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

| | | |
|----|------------|----------|
| 1 | 02/14/2002 | (106799) |
| 2 | 02/14/2002 | (106798) |
| 3 | 02/14/2002 | (106797) |
| 4 | 02/22/2002 | (106804) |
| 5 | 02/22/2002 | (106802) |
| 6 | 02/22/2002 | (106801) |
| 7 | 02/22/2002 | (106800) |
| 8 | 05/02/2002 | (106805) |
| 9 | 06/13/2002 | (106810) |
| 10 | 06/13/2002 | (106809) |
| 11 | 06/13/2002 | (106808) |
| 12 | 06/13/2002 | (106807) |
| 13 | 06/13/2002 | (106806) |
| 14 | 07/29/2002 | (6221) |
| 15 | 07/29/2002 | (6245) |
| 16 | 07/29/2002 | (6266) |
| 17 | 07/29/2002 | (6280) |
| 18 | 10/15/2002 | (12166) |

| | | |
|----|------------|----------|
| 19 | 10/15/2002 | (12157) |
| 20 | 10/15/2002 | (12182) |
| 21 | 11/18/2002 | (15927) |
| 22 | 11/18/2002 | (15941) |
| 23 | 11/18/2002 | (15970) |
| 24 | 02/26/2003 | (25119) |
| 25 | 02/27/2003 | (26123) |
| 26 | 02/27/2003 | (26116) |
| 27 | 02/27/2003 | (26141) |
| 28 | 03/31/2003 | (26407) |
| 29 | 03/31/2003 | (26418) |
| 30 | 03/31/2003 | (26453) |
| 31 | 05/09/2003 | (31101) |
| 32 | 07/08/2003 | (23118) |
| 33 | 07/08/2003 | (28601) |
| 34 | 07/08/2003 | (28462) |
| 35 | 08/20/2003 | (150079) |
| 36 | 08/20/2003 | (140828) |
| 37 | 08/22/2003 | (112392) |
| 38 | 10/09/2003 | (251686) |
| 39 | 10/16/2003 | (251648) |
| 40 | 11/06/2003 | (254079) |
| 41 | 12/17/2003 | (255857) |
| 42 | 12/31/2003 | (256375) |
| 43 | 01/13/2004 | (255882) |
| 44 | 01/28/2004 | (260394) |
| 45 | 01/30/2004 | (260374) |
| 46 | 02/18/2004 | (262747) |
| 47 | 03/26/2004 | (264422) |
| 48 | 03/26/2004 | (266501) |
| 49 | 03/26/2004 | (266567) |
| 50 | 03/30/2004 | (264423) |
| 51 | 03/30/2004 | (264278) |
| 52 | 05/07/2004 | (264932) |
| 53 | 05/12/2004 | (266872) |
| 54 | 05/14/2004 | (268767) |
| 55 | 05/21/2004 | (270623) |
| 56 | 05/27/2004 | (269429) |
| 57 | 05/27/2004 | (269047) |
| 58 | 07/07/2004 | (277842) |
| 59 | 07/07/2004 | (277866) |
| 60 | 07/07/2004 | (278397) |
| 61 | 08/31/2004 | (292814) |
| 62 | 10/20/2004 | (334670) |
| 63 | 10/20/2004 | (334660) |
| 64 | 10/20/2004 | (335672) |
| 65 | 11/12/2004 | (336801) |
| 66 | 12/10/2004 | (341172) |
| 67 | 02/02/2005 | (342775) |
| 68 | 02/22/2005 | (371695) |
| 69 | 02/23/2005 | (349112) |
| 70 | 02/25/2005 | (346983) |
| 71 | 03/29/2005 | (372071) |
| 72 | 03/29/2005 | (349695) |
| 73 | 03/29/2005 | (372068) |
| 74 | 04/20/2005 | (375919) |
| 75 | 04/20/2005 | (377313) |
| 76 | 04/20/2005 | (378099) |
| 77 | 04/20/2005 | (375692) |
| 78 | 04/20/2005 | (375210) |
| 79 | 04/20/2005 | (376051) |
| 80 | 04/20/2005 | (375928) |
| 81 | 04/20/2005 | (373914) |
| 82 | 04/28/2005 | (350987) |
| 83 | 06/07/2005 | (394278) |
| 84 | 06/07/2005 | (394217) |
| 85 | 06/15/2005 | (392859) |
| 86 | 07/19/2005 | (397037) |

87 08/31/2005 (348609)
 88 11/15/2005 (435694)
 89 12/21/2005 (436261)
 90 12/22/2005 (450202)
 91 02/28/2006 (437666)
 92 04/26/2006 (406843)
 93 05/30/2006 (463478)
 94 08/28/2006 (488322)
 95 08/28/2006 (489560)
 96 08/31/2006 (488575)
 97 08/31/2006 (458241)
 98 11/28/2006 (517158)
 99 11/29/2006 (514240)
 100 11/29/2006 (516808)
 101 12/05/2006 (519672)
 102 12/11/2006 (532265)
 103 12/28/2006 (341362)
 104 12/28/2006 (534760)
 105 12/28/2006 (374971)
 106 01/11/2007 (486288)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

| | | | | |
|--------------|---|----------|-----------------|----------|
| Date: | 06/06/2002 | (106806) | | |
| Self Report? | NO | | Classification: | Moderate |
| Citation: | 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)[G] | | | |
| Description: | SMOKING FLARE | | | |
| Self Report? | NO | | Classification: | Moderate |
| Citation: | 30 TAC Chapter 101, SubChapter A 101.6[G] | | | |
| Description: | UPSET REPORTING | | | |
| Self Report? | NO | | Classification: | Moderate |
| Citation: | 30 TAC Chapter 116, SubChapter B 116.115(c) | | | |
| Rqmt Prov: | OP PP5 | | | |
| Description: | PERMIT CONDITIONS | | | |
| Date: | 01/30/2004 | (260374) | | |
| Self Report? | NO | | Classification: | Moderate |
| Citation: | 2D TWC Chapter 26, SubChapter A 26.121(a)(1) | | | |
| Description: | Failure by Chevron Phillips Chemical Port Arthur Facility to prevent the discharge of wastewater into or adjacent to waters in the state. | | | |
| Date: | 05/21/2004 | (270623) | | |
| Self Report? | NO | | Classification: | Moderate |
| Citation: | 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F) 5C THC Chapter 382, SubChapter A 382.085(b) | | | |
| Rqmt Prov: | PERMIT 21101 | | | |
| Description: | Failure to comply with MAER limits. | | | |
| Date: | 11/29/2006 | (514240) | | |
| Self Report? | NO | | Classification: | Minor |
| Citation: | 30 TAC Chapter 101, SubChapter A 101.20(1) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT NNN 60.665(l)(4) 5C THC Chapter 382, SubChapter D 382.085(b) | | | |
| Rqmt Prov: | OP FOP 1235 Special Condition 1A PERMIT Permit 21101 Special Condition 1 | | | |
| Description: | Failure to report a flare pilot outage on an NSPS semi-annual report. Minor C,3 | | | |
| Self Report? | NO | | Classification: | Moderate |
| Citation: | 30 TAC Chapter 101, SubChapter A 101.20(2) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(5) 5C THC Chapter 382, SubChapter D 382.085(b) | | | |
| Rqmt Prov: | OP FOP 1235 Special Condition 1A PERMIT Permit 21101/Special Condition 14 | | | |
| Description: | Failure to operate Flare 24 with a pilot flame at all times. MOD,B18 | | | |
| Self Report? | NO | | Classification: | Minor |
| Citation: | 30 TAC Chapter 101, SubChapter A 101.20(2) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.357(d)(7)(iv)(F) 5C THC Chapter 382, SubChapter D 382.085(b) | | | |

Rqmt Prov: OP FOP 1235 Special Condition 10K
 PERMIT Permit 21101 Special Condition 2C
 Description: Failure to report a flare pilot outage on a NESHAP Report. Minor C,3
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.7(c)(2)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.7(d)(2)
 5C THC Chapter 382, SubChapter D 382.085(b)
 Rqmt Prov: OP FOP 1235 Special Condition 26
 Description: Failure to submit all of the required information in the excess emissions report for
 the reporting period of 07/01/2005 through 12/31/2005. Minor C,3
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 117, SubChapter B 117.219(d)(1)(A)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.7(c)
 5C THC Chapter 382, SubChapter D 382.085(b)
 Rqmt Prov: OP FOP 1235 Special Condition 26
 Description: Failure to submit a semi-annual report in a timely manner. Minor C,3

F. Environmental audits.

Notice of Intent Date: 09/17/2004 (347257)
 No DOV Associated
 Notice of Intent Date: 03/16/2005 (376225)
 No DOV Associated
 Notice of Intent Date: 11/06/2006 (534260)
 No DOV Associated

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
CHEVRON PHILLIPS CHEMICAL
COMPANY LP
RN100209857**

**§ BEFORE THE
§
§
§ TEXAS COMMISSION ON
§
§ ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2007-0404-AIR-E

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Chevron Phillips Chemical Company LP ("Chevron") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and Chevron presented this agreement to the Commission.

Chevron understands that it has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, Chevron agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon Chevron.

The Commission makes the following Findings of Fact and Conclusions of Law:

I. FINDINGS OF FACT

1. Chevron owns and operates a chemical manufacturing plant at 2001 Gulfway Road in Port Arthur, Jefferson County, Texas (the "Plant").

2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. During an investigation conducted on September 20, 2006, TCEQ staff documented that Chevron failed to timely report an emission event occurring on May 19, 2006 within 24 hours of discovery, as documented in an investigation conducted on September 20, 2006. Specifically, the report was to be submitted on or before May 20, 2006. The report was submitted on May 23, 2006.
4. During an investigation conducted on September 20, 2006, TCEQ staff documented that Chevron failed to maintain an emission rate below the allowable emission limits. Specifically, on May 19, 2006, over a period of 38 minutes, Flare 24 (EPN: E-24-Flare) emitted unauthorized emissions of approximately 83.62 pounds ("lbs") of carbon monoxide, 365.17 lbs of ethylene, 9.71 lbs of nitrogen oxides, and 173.35 lbs of propylene. The permit limits are 1.28 pounds per hour ("lbs/hr") for carbon monoxide, 0.30 lbs/hr for nitrogen oxides, and 1.08 lbs/hr for volatile organic compounds. Since these emissions could have been foreseen and avoided by good design, operation and maintenance practices, the emissions do not meet the affirmative defense criteria specified in 30 TEX. ADMIN. CODE § 101.222.
5. During an investigation conducted on September 20, 2006, TCEQ staff documented that Chevron failed to identify the correct agency established EPN and the correct authorized emissions limits for Flare 24 (EPN: E-24-Flare) on the final report. Specifically, on the final report submitted for an emissions event occurring April 22-23, 2006, the EPN was identified as F-24-Flare instead of E-24-Flare and listed emissions limits of 2.66 lbs/hr for carbon monoxide, 0.49 lbs/hr for nitrogen oxides, and 5.40 lbs/hr for volatile organic compounds. The correct emission limits for E-24-Flare are 1.28 lbs/hr for carbon monoxide, 0.30 lbs/hr for nitrogen oxides, and 1.08 lbs/hr for volatile organic compounds.
6. Chevron received notice of the violations on January 12, 2007.

II. CONCLUSIONS OF LAW

1. Chevron is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7 and the rules of the Commission.
2. As evidenced by Findings of Fact No. 3, Chevron failed to timely report an emission event occurring on May 19, 2006 within twenty-four hours of discovery, in violation of 30 TEX. ADMIN. CODE § 101.201(a)(1)(B), and TEX. HEALTH & SAFETY CODE § 382.085(b).
3. As evidenced by Findings of Fact No. 4, Chevron failed to maintain an emission rate below the allowable emission limits, in violation of 30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and 116.115(c), New Source Review Permit No. 21101, Special Condition 8, and TEX. HEALTH & SAFETY CODE § 382.085(b).

4. As evidenced by Findings of Fact No. 5, Chevron failed to identify the correct agency established EPN and the correct authorized emissions limits for Flare 24 (EPN: E-24-Flare) on the final report, in violation of 30 TEX. ADMIN. CODE §§ 101.201(b)(1)(D) and 101.201(b)(1)(H), and TEX. HEALTH & SAFETY CODE § 382.085(b).
5. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against Chevron for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
6. An administrative penalty in the amount of Seven Thousand One Hundred Twenty-Eight Dollars (\$7,128) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. Chevron has paid the Seven Thousand One Hundred Twenty-Eight Dollar (\$7,128) administrative penalty.

III. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. Chevron is assessed an administrative penalty in the amount of Seven Thousand One Hundred Twenty-Eight Dollars (\$7,128) as set forth in Section II, Paragraph 6 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and Chevron's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Chevron Phillips Chemical Company LP, Docket No. 2007-0404-AIR-E" to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. Chevron shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order, implement improvements to operational procedures in order to address the late reporting and incorrect reporting for emissions events that occurred on April 22-23, 2006, and May 19, 2006, to prevent the recurrence of same or similar incidents;
 - b. Within 30 days after the effective date of this Agreed Order, implement improvements to design, operation, or maintenance procedures in order to address the emissions events

that occurred on April 22-23, 2006, and May 19, 2006, to prevent the recurrence of same or similar incidents; and

- c. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.a. and 2.b. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Air Section, Manager
Beaumont Regional Office
Texas Commission on Environmental Quality
3870 Eastex Freeway
Beaumont, Texas 77703-1892

3. The provisions of this Agreed Order shall apply to and be binding upon Chevron. Chevron is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
4. If Chevron fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, Chevron's failure to comply is not a violation of this Agreed Order. Chevron shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Chevron shall notify the Executive Director within seven days after Chevron becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by Chevron shall be made in

- writing to the Executive Director. Extensions are not effective until Chevron receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to Chevron if the Executive Director determines that Chevron has not complied with one or more of the terms or conditions in this Agreed Order.
 7. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
 8. This Agreed Order, issued by the Commission, shall not be admissible against Chevron in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
 9. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
 10. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission


For the Executive Director

9/7/07
Date

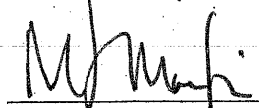
I, the undersigned, have read and understand the attached Agreed Order in the matter of Chevron Phillips Chemical Company LP. I am authorized to agree to the attached Agreed Order on behalf of Chevron Phillips Chemical Company LP, and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I understand that by entering into this Agreed Order, Chevron Phillips Chemical Company LP waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

I also understand that my failure to comply with the Ordering Provisions, if any, in this order and/or my failure to timely pay the penalty amount, may result in:

- A negative impact on my compliance history;
- Greater scrutiny of any permit applications submitted by me;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions against me;
- Automatic referral to the Attorney General's Office of any future enforcement actions against me; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.


Signature for Jim Becker

6/11/07
Date

M D MARTIN for Jim Becker
Name (Printed or typed)
Authorized Representative of
Chevron Phillips Chemical Company LP

MANAGER
Title

512 035 4562